

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>4/7/2022</u>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
AMILCAR ROMEO PEREZ, *individually and on* :
Behalf of all others similarly situated, et al., :

Plaintiffs, :

-v- :

THIRD AVENUE FOOD CORP. *d/b/a TIVOLI* :
CAFÉ, et al., :

Defendants. :
-----X

ORDER

20-CV-9832 (PGG) (JLC)

JAMES L. COTT, United States Magistrate Judge.

WHEREAS, the parties have reported a settlement in principle by letter dated April 6, 2022 (Dkt. No. 64);

IT IS HEREBY ORDERED that the settlement conference scheduled for April 14, 2022 is hereby adjourned *sine die*, as are all other deadlines in the case;

IT IS HEREBY FURTHER ORDERED that the parties are directed to file a joint letter motion along with their settlement agreement **no later than May 6, 2022**, to request court approval. The letter motion should explain why the proposed settlement is fair and reasonable and otherwise complies with the Second Circuit's decision in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

The parties should submit their settlement papers to Judge Gardephe, unless they agree to consent to my jurisdiction to review the settlement under 28 U.S.C. § 636(c). Consent forms are available on the Court website.

SO ORDERED.

Dated: April 7, 2022
New York, New York



JAMES L. COTT
United States Magistrate Judge